

Appendix A. Responses to Substantive Comments Received on draft CCP/EA of Chesapeake Marshlands NWR Complex



USFWS

Sunset on the refuge

We received comments from 4 Federal agencies, a Maryland State Representative, 2 state agencies, 4 county agencies, 15 non-governmental organizations, 7 businesses and twenty-two private citizens.

Agency, Organization, and Individual Responses

Comments were received from the following agencies, organizations, and individuals:

Federal Officials: None

Federal Governmental Agencies

U.S. Army Corps of Engineers, Baltimore District Office
USF&WS Chesapeake Bay Field Office
U.S. Geological Survey, Eastern Geographic Science Center
U.S. G. S. Patuxent Wildlife Research Center

State Officials

Delegate Mary Roe Walkup, Legislative District 36, The Maryland House of Delegates

State Agencies

Wildlife Heritage Service, Maryland Department of Natural Resources
Maryland Farm Bureau, Inc.

County Officials and Agencies

Dorchester County Council Member
Dorchester County Tourism Department
Heart of Chesapeake County Heritage Area
Dorchester County Forest Conservancy District Board

Private Organizations

The Nature Conservancy, Maryland/District of Columbia Chapter
Friends of Blackwater National Wildlife Refuge, Inc.
Maryland Waterfowlers Association (2)
Chesapeake Bay Foundation
Association of Forest Industries, Inc.
Audubon MD-DC Chapter
American Forest Foundation, Forest for Watersheds and Wildlife
Conservation Fund (2)
Chesapeake Wildlife Heritage
Safari Club International, Chesapeake Chapter
Maryland Forest Association, Inc.
National Wild Turkey Federation, Maryland Chapter
American Kennel Club
Wicomico Environmental Trust
Migratory Bird Advisory Committee of the State of Maryland

Business Interest and Individuals

Dorchester Lumber Company, Inc.
Johnson Lumber Company, Inc.
Dorchester Stags Hunt Club
Besley & Rogers, Inc.
Madison Bay Hunt Club
Brooks Barrel Company, Inc.
Parker Forestry Services, Inc.

We have organized the comments that we received into broad categories and topics. Our responses to the comments follow.

Planning Process Comments

Some individuals felt that the Service did not adequately communicate or hold enough coordination and information meetings between the time of the public scoping meetings in 1998 and the release of the draft report in June 2005.

Response: We agree. Hindsight shows that we should have held additional meetings during the planning process to keep the public informed and up-to-date with our progress. We regret that we didn't make this effort. Completing the EA/CCP was our main concern and focus.

As we prepared for the public meetings and public review of the draft CCP/EA, the Service experienced difficulties in the printing and release of the draft report after the Notice of Availability was issued in the Federal Register. As a result, we announced an extension to the comment deadline to ensure that the public had adequate time to respond to the draft EA/CCP. Because of the large size of the main report and appendices, only the Land Protection Plan (LPP) and Highlights Summary were mailed to adjacent landowners. This unfortunately resulted in the LPP being mistaken as the Comprehensive Conservation Plan, and only a few people had the opportunity to read the main report prior to our public open house meetings. Most people did not take advantage of accessing the report via the internet. Refuge Manager Carowan did meet with and brief Dorchester County officials and private non-profit land conservation organizations before the public open house meetings. Additional meetings were held with the Friends of the Nanticoke and Wicomico Environmental Trust. Refuge Manager Carowan and Regional Director, Marvin Moriarty also met with members of the local forestry industry.

The last public scoping meetings took place in 1998 and of the 44 agencies and organizations "involved" in the development of the plan; the largest agricultural interest group in the state was not included.

Response: We disagree. Members of the Farm Bureau attended our scoping meeting in Hebron. Furthermore, a significant effort was made to specifically target farmers within the land protection focus areas to ensure that their concerns and issues were properly heard. All farmers in the Dorchester County Nanticoke focus area, for example, were invited to a special meeting to discuss the CCP process in early 1998, prior to the formal scoping meetings. Landowners who farm in Wicomico County's focus area were also targeted to ensure they were aware of the planning process. Since agriculture was not an issue identified at the scoping meetings and since the Service is not proposing to remove agricultural lands from production, there was no concern expressed for our planning process. Unfortunately, some individuals interpreted that the LPP includes a plan to "condemn and take" farmland. This is not the case.

Why didn't the Service go direct to the Farm Bureau? Farm land is regulated now and is not causing impacts.

Response: We regret that we did not contact the Farm Bureau before releasing the draft EA and our land protection plan. However, since potential impacts to farmland were never identified as an issue during the public scoping meetings, this issue did not figure prominently in the planning. Most of the lands identified for protection were either forestlands or wetlands. Furthermore, the agricultural lands, whether privately or publicly owned, will continue to be farmed.

Management of Refuge Forestlands

Members of the forest industry expressed concern about the lack of forest management and the resulting adverse economic and social impacts on the local community. This concern was heightened because of the expressed fear that additional lands would be acquired and no active forest management would continue as in the past.

Response: We have proposed active forest management as an integral part of our overall habitat management to improve and maintain forest health and composition to assist in the recovery of the Delmarva fox squirrel and habitat enhancement for forest-interior-dwelling bird species. Our proposal to manage our forest is based on the principle of “Wildlife First” and not economic, sociological or historic principles. The type(s) of silvicultural prescription(s) required to achieve our wildlife management objectives depends on the wildlife species being managed for. Removal of commercially harvestable trees is normally done under contract with local timber interests. Special Use Permits are written to protect refuge resources, and operations are monitored by refuge staff. Annual management prescriptions will be prepared that detail the specifics of an operation and the management method(s) to be employed. The effects of prescriptions for timber stand improvement, regeneration harvest, prescribed burns, strategic land protection and reforestation are found on pages 4-61 through 4-89 of the draft CCP/EA. Active forest management on refuge lands would create opportunities for timber companies to bid on the timber or the silvicultural work to be performed.

What is the difference between forest management to achieve wildlife management objectives versus timber production?

Response: The Service is the trustee for our nation’s fish and wildlife resources. Our responsibility is to “wildlife first” and not timber production as defined by the National Wildlife Refuge System Improvement Act of 1997. We are in favor of sustainable forestry practices and we are not proposing to take forestlands out of production. However, our refuge forestry management is directed to specific wildlife management objectives such as delisting the Delmarva fox squirrel, protecting unique or critical habitat types, developing connections with fragmented habitats, providing contiguous healthy forests to support forest interior dwelling migratory birds, etc. To achieve these objectives, we will utilize the appropriate silvicultural practice and a byproduct of these practices will be timber production.

The Need for Additional Land Protection (Land Protection Plan)

While some local citizens expressed support for additional land acquisition, others voiced concerns relating to matters such as the use of condemnation, economic impacts such as reduced timber production, lost tax revenues, additional regulations and restrictions on traditional activities as a result of Refuge expansion, endangered species population expansion, and private landowner rights. Others welcomed a federal presence and opportunities as one more tool to provide long-term protection to these extremely resource rich ecosystems. Conservation partners voiced strong support for Service involvement in a cooperative effort to identify land protection priorities, with Service acquisition of lands and development of conservation agreements where appropriate.

Response: The need for additional habitat and land protection was a topic of significant discussion. The National Wildlife Refuge System and individual refuges, such as those in the Chesapeake Marshlands Complex, were created for, and are representative of, the widest public benefit consistent with our nation’s

natural resource laws and policies. Habitat protection is the foundation of our national wildlife refuge system. Acquisition of additional lands and development of conservation agreements in the vicinity of the refuge and along the Nanticoke River corridor are necessary to fulfill Service and refuge goals for managing threatened and endangered species, waterfowl, other migratory birds, and fisheries; providing compatible recreational and educational opportunities; and ensuring public access for the future. Lands in the immediate vicinity surrounding Blackwater NWR and along the Nanticoke river corridor are known to support both federally- and State-listed rare, threatened, or endangered plant and animal species; unique ecological communities; significant concentrations of waterfowl, wading birds, shorebirds and other migratory birds; shellfish and finfish; and resident wildlife. The importance of the area's unique natural resources has long been recognized by federal and state resource management agencies, private conservation organizations, land trust, and local citizens. Ultimately, protecting biological diversity requires commitment to habitat protection, which is best achieved by commitments to land acquisition and stewardship. The Service can ill afford to stand still in the face of increasing urban development and further fragmentation of an already limited forest habitat. It is further emphasized that the Service is but one player and a landowner can sell to whomever he/she wants. We are not the only potential land buyers on the Eastern Shore. We know that at some point in time a person may want to sell or place their property in a conservation agreement. A landowner also has as much right to place his/her lands into conservation as to sell for development. Opportunities to protect habitat of significant ecological value in Maryland, and specifically the Eastern Shore, is rapidly diminishing, as acres are lost to development every day.

Why is the list of landowners identified in the Land Protection Plan (LPP)?

Response: We apologize to those that would have preferred not to be on the list. The LPP is an agency document, required by agency policy to provide the landowners and other interested local public officials with an explanation of who, what, when, where, and how land protection actions are anticipated to occur. In this respect, the LPP can be thought of as a "procedural notification." Agency policy mandates that we identify specific land parcels and ownerships, and prioritize these parcels. The landowner is under no obligation just because his/her name and parcel is identified. The plan simply identifies areas of major conservation significance that can benefit from conservation protection measures.

Land ownership information is on public record, and can be obtained at the county/local tax assessor's office and state planning office. The State Department of Planning sells this information to the public. Service policy requires that the owner's name, parcel, and map number be identified. The LPP is an information report to the landowner that explains our land acquisition program policies and procedures. However, in an effort to be responsive to landowners' wishes, we will remove the names from the LPP in the final EA/CCP.

What public uses will be allowed on newly acquired land?

Response: Public use for any given land parcel is evaluated on a case-by-case basis, and must be compatible with the wildlife and habitat protection. The Service recognizes and promotes six types of wildlife-dependent public uses: wildlife observation, photography, environmental education and interpretation, hunting and fishing. New acquisitions are closed to the public until officially opened for public use.

Why does FWS need to acquire lands from the private sector when many of the refuge neighbors are already managing their lands in sustainable ways?

Response: We don't have to acquire lands that are currently being managed in the private sector to benefit the Service's wildlife management objectives. However, if a landowner is leaving the area or changing the way that they manage their land, the Service would like to see associated resources on these lands protected. The Service will be able to work with the landowner to preserve the wildlife management objectives only if we have an approved LPP. Congress has mandated the Service as trustee of our nation's fish and wildlife resources. As part of our affirmative trust responsibilities, we must ensure the ecological health and integrity of our national wildlife refuges. Land protection enables us to fulfill our mission and

refuge purposes. Protection and maintenance of a refuge's integrity-diversity-health are translated into actual actions through management objectives and strategies such as our land protection plan.

Will you partner with NGO's to protect lands identified in the LPP? Do you have a policy that would limit or place restrictions on NGO's?

Response: Our land protection planning was accomplished with full participation and knowledge of our partners. However, we are not looking at buying out another partner at a higher price. The importance of the nonprofit organizations in acquiring and preserving important high priority lands and waters is acknowledged. However, the Office of the Inspector General has long been concerned that the Federal taxpayers are receiving full value for costs incurred to acquire lands through third party transactions. The Nanticoke River land protection plan was a collaborative process involving state and private land conservation partners.

Will refuge expansion promote or influence landowners to sell to a developer?

Response: There is no indication that this will be the case. Studies do show, however, that residential home values generally increase in the immediate vicinity of a refuge or otherwise protected lands. Many people prefer homes next to or abutting protected/conservation lands, and real estate agents use this fact as a marketing tool. There is no evidence that landowners are influenced to sell just because of the presence of a refuge, but it is a definite positive selling factor in terms of value when owners do want to sell. It's the landowner's decision to make. An individual's family, health or financial situation generally dictates the decision to sell or not to sell.

Why does the Service need to acquire more lands and why can't acquisition be accomplished by private organizations and state conservation/natural resource agencies?

Response: The Service is mandated by Congress and bound by international treaties and statutory obligations to protect and conserve waterfowl, other migratory birds, and endangered and threatened species for future generations to appreciate and enjoy. The Refuge Improvement Act includes a provision whereby the Service is instructed to "strategically grow" the Refuge System. The Service is designated as the trustee of our nation's fish and wildlife resources. The Blackwater Refuge is the oldest established national wildlife refuge in the region, and as such has played a significant role in helping to conserve and protect the Eastern Shore's waterfowl and natural resources. Approval of the LPP and CCP gives the Service the opportunity to assist landowners with implementing conservation measures to continually protect our trust resources. Land acquisition and other land protection measures have been, and will continue to be, accomplished by private and state organizations, but no single organization or agency has the resources to provide the overall protection necessary to achieve all our management objectives. Forest interior dwelling species, for example, require large, contiguous parcels of forested habitats. In many cases, only additional land protection can achieve the objective to provide these large acreages.

Please explain the statement; "Service policy (page xvi, LPP) is to acquire land only when other means, such as zoning or regulation, of achieving program goals and objectives are not appropriate, available, or effective?"

Response: Planning for land acquisition is initiated with the identification of a need to meet resource objectives that require a real property base. Full consideration is given to existing regulations, or zoning. If it is determined that the lands are adequately protected, the Service will not necessarily pursue its purchase. If fee title is required, consideration may be given to extended use reservations, exchanges, or other alternatives that will lessen the impact on the owner and the community. It cannot be emphasized enough that local laws, zoning regulations, and ordinances are always subject to change. No regulations exist that manage or control public use activities. The issue of annexation is a major one for some counties. Currently, there are no county guidelines or provisions regarding annexation rights, and municipalities are

readily annexing lands for development. Throughout the nation, and certainly in the northeast, the prevailing attitude towards growth and development is one of being infinite and inevitable. Without Service authority and refuge status, regulations relating to the development of critical habitat and wetland alteration could be proposed and passed.

The Ecological Services branch of the USFWS points out that one of the Service's most highly successful mechanisms of conserving biological diversity is land protection. The CCP's land protection program outlines additional acreage that will enhance the recovery of the federally endangered Delmarva fox squirrel (DFS).

The CCP recognizes the importance of protecting approximately 11,300 acres of forested habitat (5,000 forested acres at Blackwater and 6,296 acres along the Nanticoke River) to secure a majority of the intact forest within the Blackwater NWR watershed, as well as the creation of forest corridors along the Nanticoke river, to link the private, state, and federal land protection efforts. Virtually all of this forest is currently occupied by DFS or is considered suitable DFS habitat. Protection of this habitat will greatly contribute to the eventual recovery of the DFS and its eventual removal from the endangered species list.

Response: We agree that the land protection component of the CCP will enhance DFS habitat and is a key component to realizing many of our refuge goals and objectives.

Some felt that the release of the Land Protection Plan was a sudden announcement to a limited audience of targeted landowners of the refuge's plan for expansion without affording an opportunity to learn of the plan's specifics. Certain stakeholders believe that to undertake an expansion of this magnitude consisting of the goals stated throughout the Plan, public input and buy-in is essential. One group urges that the Service redraft the Plan with greater opportunity for significant input from the agricultural community and various other stakeholders.

Response: The release of the Draft EA/CCP and land protection plan was announced in the local and regional news media. Over 2,000 letters of notification were mailed and over 400 copies of the land protection plan (LPP) were mailed to affected landowners as required by Service policy. The LPP is an appendix to the DEA/CCP and is an integral part of the overall proposed refuge management plan. It certainly does not represent "the plan" in and of itself. The LPP is an agency document, required by policy, to inform landowners of Service land protection interests and plans. Typically we expect the LPP to reduce public speculation and eliminate misunderstanding of Service land protection initiatives.

The LPP is purposely focused in distribution to affected landowners. The LPP is a tool to redefine the geographic extent of the area where the Service may engage in discussions with willing landowners. The LPP identifies areas of exceptional conservation values that are important to the Service and Refuge missions, and notifies the landowner(s) that the Service would be willing to work with the landowner to purchase the land or a conservation easement on the land, if the owner is interested. Any relationship between the landowner(s) and the Service is strictly voluntary. There was some misinterpretation that the LPP is a notice of immediate expansion of the refuge through condemnation. Condemnation will not be used to protect lands.

The LPP is limited in scope to the identification of parcels of land that contain exceptional conservation values. In this case, it was produced in conjunction with the CCP and EA. The CCP/EA represents the first official written document for public review. As such, the Draft EA was more widely distributed and actively publicized through a Notice of Availability, news articles, public meetings or hearings, landowner contacts, and meetings with local organizations and elected officials. Internet web site addresses were provided where the entire report could be accessed and Compact Disks of the full report were available on request.

We agree that public input and buy-in is essential. That is the reason for the public open house meetings and review comment period given for the Draft EA/CCP. The LPP is a component of the main refuge management plan, not the plan itself. Habitat and land protection are the foundation of our national wildlife refuge system. Our “goals” are wildlife resource management oriented, and emphasize the protection of Federal trust resources such as endangered and threatened species and migratory birds. Since the Service is not proposing to take agricultural lands out of production and since acquisition of any lands identified is on a voluntary (willing seller) basis, we see no need to redraft the land protection plan. Many organizations, groups, and private citizens have stated and believe that Service acquisition and management is vital to ensuring the long-term protection of natural habitat and fish and wildlife resources of the Eastern Shore. The economic importance of agriculture to Dorchester County is acknowledged on page 3-191 of the draft EA/CCP. Despite the Rural Legacy Program and other incentives, significant farmland is still being lost to residential development.

A non-governmental organization believes that community-based conservation is critical in its conservation efforts. We feel that the Land Protection Plan of Alternative B works toward this goal by supporting and maintaining working landscapes within a matrix of high quality natural resources. The real estate industry is booming as development spreads from the Washington/Baltimore corridor over the Bay Bridge to the Eastern Shore of the Chesapeake Bay. We need the USFWS to be an active and effective partner in protecting the landscape. We feel this can only be done under preferred alternative B of the EA.

Response: We agree and appreciate the support.

While we applaud the use of easements in so much that private ownership is retained, we remain very concerned about the lack of a uniform policy guiding the specific language in the easements. Losing the legal ability to practice forestry according to silvicultural precepts.....is unwanted regardless of the source.

Response: Conservation easements are among several essential tools used to protect the integrity of natural resources. Easements by nature have to be flexible and developed on a case-by-case basis. The specific details of what should or should not be included in an easement are agreed to by the holder of the easement and the owner of the property. Whether or not a use, such as active forest management, is retained or not is negotiated at the time of the easement creation.

It is of great concern to us that many landowners with very short planning horizons may opt to maximize their immediate incomes by “selling off” their forestry rights at the expense of providing meaningful forest management in the future.

Response: The landowners certainly have that right and there is evidence that this is happening already. Recent sales to the private sector reveal that not all buyers intend to continue with forest management as an investment. Rather, the new owners appear to be more interested in recreational value as oppose to sustainable forestry management or at least the annual harvest is much reduced. Many landowners are not interested or concerned with the monetary value of the land but rather the land itself. There are numerous examples of landowners that opted to sell a conservation restriction for substantially less than they would have received from developers. The Service feels that the proposed refuge management plan and land protection plan provides the landowner options to generate a source of revenue for rights they may chose to sell while maintaining lands in private ownership, protecting conservation values and retaining a tax base. Ultimate ownership may or may not be the Fish & Wildlife Service.

One association commented that they were encouraged by public statements that (1) sustainable forestry management will be enhanced, consistent with Service’s mandate to manage for wildlife and 3rd party certification (SCI and/or FSC) at Blackwater NWR; (2) sustainable forestry management will be a key tenet in future land acquisition efforts by the Service through binding easement

language that encourages the retention of timber harvesting rights consistent with a forest stewardship plan.

Response: We believe that the sustainable forest management activities that you mention are accurately reflected in the Final CCP as components of our future habitat management efforts.

The Use of Eminent Domain (Condemnation) to take Private Lands

Condemnation was undoubtedly the most feared concern expressed during the public open houses. Meeting attendees also feared that if condemnation happened, they would not be adequately compensated for the real value of their land.

Response: Condemnation is not being proposed nor will it be proposed. Nevertheless, the Service is required to advise the public that condemnation is authorized for land protection. The U.S. Fish and Wildlife Service, like all governmental agencies, has been given the power of eminent domain, which allows condemnation as a means to acquire lands for the public good. If the Service didn't mention or provide discussion on this topic, it would be looked upon with suspicion. Yet, when we openly discuss eminent domain, the reaction is immediately that the government is going to take our land without consent. In the early 1980's, the Service initiated a land protection planning effort. The "perception" of landowners then, as now, was that we were going to condemn lands. Condemnation was never considered, but the idea of predetermining a final boundary line on paper was not well received by County officials and the local public. The end result was that the Service proceeded to protect properties on a case-by-case, willing landowner basis only. This met the County's approval, and the same practice will continue as described in the preferred alternative. Only when a landowner desires to implement a conservation practice will the Service take action to assist in protecting the values the Service is charged to protect.

Blackwater NWR has used condemnation to acquire lands only when requested by the landowner to resolve unclear titles or differences in value. This is always done at the landowners' request. The Service (and any other governing agency) is required by law to pay fair market value or "just compensation." Again we emphasize that condemnation is not proposed, and will not be used in conjunction with the refuge's proposed land protection plan.

Support for Specific Alternatives

Alternative A is your best choice. Most of the area you propose to protect from development is already protected by a host of state and federal regulations – most notably, Maryland's Critical Areas Law and state and federal wetland regulations.

Response: Alternative A, Current management or status quo is not adequate and does little to ensure the long-term protection of the refuge fish and wildlife resources. The purpose of this alternative is to provide a basis of comparison for what the Refuge Improvement Act is asking the Service to do. This is a long-term look at ecological based management and actions that will satisfy Congress and the Act's mandates. Comments received during the public scoping meetings identified many needs and concerns for the future of this refuge, and we are trying to respond to those needs. Furthermore, Alternative A, from the forest industry's perspective, does not include any forest management. We believe your comment must be related then only to additional land protection efforts. It should be noted that Maryland's Critical Area Laws have to date not helped protect the upper Blackwater watershed from development.

Eight individuals and 6 agencies/groups expressed blanket support for alternative B.

Response: Comments noted.

Hunting and Trapping

Why don't we have trapping for red fox and raccoon on Martin Refuge?

Response: Red fox trapping has been permitted on Martin Refuge historically, and may again be permitted in the future if there is a need. A Special Use Permit must be issued if the public is authorized to trap foxes and raccoons.

You propose wild turkey and residential goose hunts. When will the final decision be made and who will prepare any additional necessary plans.

Response: All documents required to officially open the refuge to waterfowl and turkey hunting were submitted to the Director in January 2006. The Public Notice will be published in the Federal Register in September or October 2006. If subsequently authorized by the Director, waterfowl hunting will be permitted as early as December 2006 and turkey hunting will begin in the spring of 2007.

What amount of acreage will be made available for hunting waterfowl?

Response: Congress has authorized the Service to permit waterfowl hunting on a maximum of 40% of a refuge established for migratory birds. Potentially, approximately 20,000 acres could eventually be open. Realistically, up to 5,000 acres may be opened immediately.

Local hunt clubs have long-term leases. Some landowners are concerned that if the Service obtains easements or acquires lands in fee-title, revenues generated by the clubs will be much reduced.

Response: If easements are used as the land protection mechanism, hunting rights can be retained by the landowner and leases can continue, generating income for the landowner. If the Service acquires lands in fee-title, private hunting rights cease and the landowner no longer will be able to lease his/her property. However, this does not mean a loss of revenue for the local economy. Refuge lands are public trust resources, and the Service is congressionally mandated to provide public hunting opportunities. Revenues from refuge hunts and recreation programs directly support refuge public use programs and the local and regional economies. The annual deer hunts at Blackwater Refuge have generated approximately \$40,000 annually for the past two years, and the more than 2,500 hunters spend thousands of dollars locally in support of the local economy (an estimated \$250,000 to \$450,000, annually in retail spending). In fact, the public use programs provide an estimated \$15,000,000 a year to the local economy (gas, food, lodging, etc.). Private land lease revenues, on the other hand, are pocketed by the owners and do not go into the local economy, nor are they nearly as significant in terms of dollars generated. The revenues generated by hunting clubs, if made known and available, are factored into our land appraisals prior to any acquisition.

Wildlife and Heritage Service would encourage you to include the annual youth turkey hunting day (normally the Saturday prior to the opening of the regular spring season) in your range of dates that turkey hunting will be allowed. The statewide regular spring gobbler season was expanded to 5 weeks in 2002, and we encourage CMNWR to provide opportunity throughout the duration of the current season.

Response: Changes to include youth turkey hunting and extended seasons in accordance with state regulations have been made in the CCP.

We were also encouraged by Maryland Wildlife and Heritage Service to consider allowing hunting for resident Canada geese during the September 1-15 season. (Not just a spring hunt as proposed in Alt. B) Additionally, we received strong support for the proposal to open new parcels to waterfowl hunting.

We were asked to revise the proposal to read “at least 40% of newly acquired land,” and include language that will examine all current tracts for opportunities to provide waterfowl hunting.

Response: We have re-evaluated fall hunting of resident Canada geese, but our Integrated Wildlife Damage Management Control Program is aggressively pursued until the state’s September 1 opening date and will significantly affect hunter success on certain areas. The preferred alternative will propose authorizing hunting of RCG in the fall in areas open to general waterfowl hunting. We will also amend the section on waterfowl hunting to clearly indicate areas (both newly acquired as well as existing acreage) where waterfowl hunting will be allowed. The point of not regulating waterfowl hunting on a parcel by parcel basis is noted, and both existing as well as new lands will be evaluated.

Alternative B provides for muskrat trapping only. WHS would encourage you to include the trapping of other furbearer species in accordance with state regulations.

Response: Alternative B should have also included trapping of other furbearers, including red fox, raccoon, opossum, etc.

We received a number of letters in support of increased waterfowl and deer hunting opportunities on Blackwater Wildlife Refuge and other public lands.

Response: Comments noted.

A number of individuals expressed anger and frustration at the proposal to increase hunting opportunities. This proposal they claim, “flies in the face of the word refuge.” One individual expressed dismay that resident Canada geese would be hunted.

Response: The National Wildlife Refuge System Improvement Act of 1997 (Refuge Improvement Act) lists hunting as one of six priority, wildlife-dependent public uses to receive enhanced and preferential consideration in refuge planning and management. In addition to hunting, other priority uses include fishing, wildlife observation and photography, environmental education and interpretation. Our mandate is to provide high-quality opportunities for these priority uses where they are compatible with respective refuge purposes, goals, and other management priorities.

Although individual opinions about the appropriateness of hunting on the refuges are important, the Refuge Improvement Act requires that we give preferential consideration to the six priority, wildlife-dependent uses. We are also concerned about the potential for hunting to impact other priority uses. For this reason, only certain areas of the refuge will be opened. There appears to have been some confusion about where we are proposing to allow hunting. We have outlined the areas where hunting is to be allowed on the maps that are included as a part of the CCP.

The problems that arise from overabundant resident Canada goose populations include damage to private property and potential for the transmission of disease to humans and other wildlife. The Service completed an Environmental Assessment of the problems these nuisance species were causing, and chose to implement an integrated wildlife damage management plan to keep resident geese from destroying the native habitats that our wildlife depend on. This plan utilizes non-lethal actions as much as possible, however lethal control methods do become necessary. When lethal methods are used, they are restricted to live capture and euthanasia in accordance with the American Veterinarian Association standards, and the birds are donated to feed the homeless.

Socioeconomics

There were commenters that expressed their thoughts that there are serious deficiencies in the socioeconomic analysis of the LPP. These individuals took exception to the statement that “we anticipate no significant adverse socioeconomic or cultural impacts.”

Response: We discuss socioeconomic impacts and existing socioeconomic conditions in Chapters 3 and 4 of the draft EA/CCP. It is not the purpose of the LPP to provide a detailed impact analysis. We believe there will be little to no adverse socioeconomic impacts simply because the Service acquires additional forest lands since timber harvest will continue and because the overall impact to the total forested landscape is relatively small.

In addition, Refuge Revenue Sharing payments provide contributions to the local governments in lieu of taxes generated from forest and agricultural lands. The refuge is a destination site for tourists and generates significant revenues that could equal or offset any economic loss from changes in timber or agricultural harvests. The refuge is reported by the Dorchester County Department of Economic Development to generate \$15 million annually to the local and regional economies. (Read in more detail Chapter 3, pages 3-186-202 of the Draft EA/CCP. Additional socioeconomic discussion related to our land protection strategy and public use can be found in Chapter 4, Consequences, pages 4-185-195 and 4-199-204.) Since we are proposing an active and aggressive forest management plan with contract opportunities afforded the local timber/forest industries, no major economic impact is foreseen. The Service will be working in partnership with the local forest industry to ensure sustainable forestry continues when compatible with our wildlife mission.

Retaining “open space” is a shared goal. However, without revenue generation, these same “open space” lands run the risk of losing their contributory function.

Response: Our analysis indicates that the contributory function will not be lost since active forest management will continue (and actually expand to lands not previously managed). Also additional revenue will be generated because of the uses attributed to the National Wildlife Refuge System’s management of wildlife-dependent recreation. Currently, the Refuge contributes approximately \$500,000 in tax revenues and generates about \$15,000,000 to the local economy annually.

Plan Implementation

Has money been allocated for implementing the plan’s recommendations?

Response: Annually, the President requests budget to operate the Federal government, which includes funds for national wildlife refuges. The Service is actively involved in recommending budget priorities to the President. Ultimately, it is the decision of Congress’ Authorization and Appropriations Committees and the President to approve funding.

When the Service acquires new parcels of land, how will that land be managed? How often can the plan be revisited?

Response: Management plans are not done on individual parcels. The land will be managed in accordance with the goals, objectives, and strategies outlined in the final CCP. In addition, the refuge implements a number of “step-down” management plans that provide additional information about the role of each parcel in various aspects of refuge management. For example, an annual detailed prescription for forest management will be developed that will address what we would cut, where, and how much. The method of timbering would also be identified. Step-down plans can be revised and updated as necessary if new

information dictates. Management activities on almost all new properties are simply incorporated into existing plans. The CCP is designed to be a 15 year plan.

One individual commented on the need for emergency preparedness. The refuge should be prepared to deal with emergencies ranging from weather related to terrorist events.

Response: The refuge maintains a Continuity of Operations Plan. This plan outlines the conditions that this individual recommended and is updated as needed.

Public Uses

What is the Service's definition of public use? If I agree to an easement or some other conservation agreement, will you demand public use?

Response: The Service recognizes six priority, wildlife-dependent public uses: wildlife observation, photography, environmental education, interpretation, hunting, and fishing. No, the Service will not demand public use as part of an easement or any other conservation agreement. All easements are negotiable. Only the rights the landowner wishes to provide as a part of the easement are subsequently managed by the Service. If you as the owner/seller don't want public use on your property or don't want certain uses to occur, then these conditions would be stated in the easement. The buyer, i.e. the Service, then has a decision to make on whether or not to purchase the easement with such a reservation or provision incorporated. The Service would not seek easements for public use purposes only. The main priority is to preserve enough habitats to support the wildlife goals and objectives of the refuge.

Preserving public access to this land is vital if public support is to be gained. Adding emphasis to educational aspects, especially for youth, must be central to that as a long term goal. Many of the values of the rural life of years past, including an appreciation for the natural order of things, are no longer easily understood or supported on a daily basis from the perspective of urbanites. It is vital that we provide the physical and intellectual tools to enable them to develop a true sense of personal relationship with their environment. This means operating properly staffed and located facilities in proximity to the habitat so that information presented can be seen in action in the wild.

Response: We agree and believe that the management goals and objectives outlined in the CCP provide for the aspects of rural life that you mention.

Other Regional Plans

The Corp's May 2005 Baltimore Harbor and Channels, Dredged Material Management Plan and Draft Tiered Environmental Impact Statement (DMMP EIS) documents the regional benefits of using dredged material from the mainstem channels for marsh restoration in Dorchester County. I suggest that you specifically reference this document.

Response: We were not aware of this draft document when our draft EA was prepared. Thank you for bringing it to our attention and we reference it in our final CCP on page 4-54.

Marsh Restoration

The Corps commented that the CCP/EAomits consideration of two potentially important stressors to the marsh system that may require consideration in formulating future landscape-scale marsh restoration: 1.The potential for hydraulic/hydrologic restrictions caused by the three mile long

Shorters Wharf (Maple Dam) Road causeway. The road may limit sheetflow across the marsh surface and may cause reduced organic matter production by marsh vegetation upstream of the road. 2. Prescribed burning of the marsh at rates greater than natural fire frequency. Frequent burning disfavors fire-intolerant marsh plant specieswhile favoring fire tolerant marsh plant species that are more palatable as wildlife food. Burning frequency should be evaluated to determine direct and indirect impacts on marsh stability, and optimal burn frequency to promote marsh stability should be identified for potential use in marsh management.

Response: The DEA is not required to assess all aspects of a landscape-scale restoration of the marsh ecosystem. It is a programmatic document that establishes the management direction for the refuge for the next 15 years. Accordingly, it recognizes the objective to restore the marshes to the 1933 levels. Specifically, how that will occur will obviously require significant investigation and evaluation in the future. With that said, the Service is clearly aware of the hydraulic/hydrological problems associated with Shorters Wharf Road, and can ensure that these issues will be part of a future NEPA action that will address proposed alternatives for landscape-scale restoration. As to the return fire interval for prescribed fire management, this issue has been evaluated and assessed in the Service's EA and accompanying approved Fire Management Plan, and accordingly the DEA was not required to repeat this information. The documents that discuss fire management issues are available upon request as noted in the DEA. The Service is continuing to implement numerous studies to determine optimal return fire intervals required to achieve the refuges' multiple management objectives.

Other Permits

Corps -Discharge of any dredged and/or fill material into waters of the U.S. associated with marsh restoration at Blackwater NWR not undertaken as part of an authorized Corp's civil works project will likely require a Dept. of the Army permit pursuant to Section 404 of the Clean Water Act.

Response: The refuge is familiar with the regulatory requirement and will obtain all necessary permits.

Threatened and endangered species

The CCP is an ambitious blueprint for achieving conservation objectives for federal trust species and habitats of international, national, regional, and local importance. The CCP is greatly strengthened by directly linking existing partnerships and collaborative efforts within the Chesapeake Bay watershed. Proposed public use developments, especially environmental education and interpretation, will increase the public's awareness of and knowledge about DFS. The Refuge's proposal to implement good science with inventory, monitoring, and research should benefit the DFS.

Response: DFS management and ultimate recovery is a primary goal for the CCP.

We note with pride, the continued existence and expansion of both the Delmarva fox squirrel and Bald Eagle in our region dominated by private stewardship activities. Removing these lands from private ownership or management for safeguarding certain key species is not in our minds a "fair trade." True, the plan calls for a strict adherence to a "willing buyer and willing seller" paradigm, but lost from the discussion is the central issue of quantifying the economic loss our regional community will face from the diminishment (albeit gradual) of our second most pre-eminent natural resource-based industry. This discussion should include quantification of the expected gain to the Refuge's "trust resources" and how they will then parlay into benefiting the regional economy and quality of life.

Response: Active forest management will be practiced on refuge lands, and there should be no significant impact to the forest industry and local economy from changes in timbering practices. Also there is

absolutely no guarantee that the historical performance and continued existence of stewardship the private landowner mosaic has provided, will continue. In fact, there are indications now that the current private ownership mosaic is breaking down throughout the county and the Eastern Shore. Forestry practices, if done on a sustainable basis, can actually enhance the carrying capacity of properties for certain forms of wildlife life as you note. As noted repeatedly, the point the Service is making is not that we have to own all these lands, but we, like the forest industry, wish to be at the table should the current land management practices change. To do that, we must notify the landowners that their properties are important to the Service, and that we are willing to discuss protection methods when they are. The threat that the forest industry perceives is simply not there.

Complexing Refuges

A member of the Maryland House of Delegates comments that the complexing of Eastern Neck NWR under the Chesapeake Marshlands NWR Complex was made public on May 3, 2005, in the Federal Register announcing this CCP. Finalizing this significant action without prior public notification indicates a flawed interpretation of Public Law 105-57 and its requirement for public participation.

Response: The administrative decision to make Eastern Neck NWR the administrative center for the management of the Chesapeake Island Refuges is categorically excluded from the NEPA process. A separate CCP will be prepared for the management of Eastern Neck NWR as required by Public Law 105-57.

Please register my comments on this Draft CCP as an official objection to the document's designation of Eastern Neck NWR as a unit of the Chesapeake Marshlands NWR Complex.

Response: So noted.

Staffing

The representative from the Maryland House of Delegates takes exception to the staffing increases proposed by the Chesapeake Marshlands CCP that will levy a heavy financial burden on taxpayers. "It is difficult to accept that these alternatives were the results of open dialogue with the public, and that such grassroots involvement did not offer more fiscally responsible and progressive solutions to meet the refuge system's goals without increasing the public debt."

Response: The proposed increases in staffing are a reflection of the public recreational and access opportunities demanded by the public at our planning scoping meetings held in 1998 and continually received throughout the year by refuge visitors. At this time, given the existing budget considerations, it is unclear when these positions would be funded. The concept of complexing will help resolve concerns by effectively sharing resources among all refuges within a regional geographic area. Complexing helps stretch limited funding and reduces the fiscal impact to the taxpayers. The 1997 Refuge Improvement Act also calls for the enhancement of the Big 6 priority public uses on national wildlife refuges. Increased visitor uses, services and facilities always require additional staff and funding.

Rather than centralizing refuges into complexes, a better alternative for this CCP would be consolidating functions such as biology under the Service's existing zones or field offices. Sharing these staff resources with many other national wildlife refuges would provide a less expensive and more effective alternative than letting one refuge complex amass and monopolize so many positions.

Response: Refuges typically have various management functions and related programs that require on-site staff. Such management programs cannot simply be relegated to a field office. Our refuges already do and

have been sharing staff resources when and where needed. Consolidation as proposed is a fiscally responsible action given current financial conditions.

Agriculture

A commenter noted that throughout the LPP there is mention that agriculture is a threat to the habitat and wildlife of the region.....so it seems reasonable to assume that given the opportunity the Service would severely impede future agricultural operations or even eliminate productive agriculture on a significant amount of acreage in the Plan area.

Response: As described in the Service's preferred alternative, a key component of the refuge's waterfowl management program. The point being made is a generic one regarding the impacts of some agricultural practices in the Chesapeake Bay Region which have been attributed to the over nutrification and hypoxic conditions of the Bay. Runoff of known agrichemical contaminants has occurred for several decades, has been the topic of numerous scientific papers and presentations, and is still considered a threat to water quality through out the Chesapeake Bay watershed.

Mosquito Control

One topic that the Dorchester County Council strongly recommended be discussed in further detail is mosquito control and actions the refuge will take to avoid public health problems,associated with West Nile virus, encephalitis, and other mosquito borne diseases.

Response: The DEA has been modified to address these issues. Please refer to page 4-43 and 4-58 of this document for our discussion on mosquito control.

Bird Communities

The management of subgoals and objectives of Goal 1 exclude one bird community of great regional significance at Blackwater, brackish marsh birds. We believe the CCP should place greater emphasis on birds of brackish marsh habitats, due to the high conservation value of the bird community breeding in these habitats. From a regional and global bird conservation perspective, brackish marsh is probably the most important habitat in the refuge complex. It is important that the CCP recognize the distinctness and conservation value of the brackish marsh bird community and plan for its long term management. It is our opinion that brackish marsh birds warrant comparable, or greater, degree of emphasis in the CCP as forest-dwelling species (FIDS). Research into the effects of prescribe burning will be an essential element in determining suitable breeding habitat for marsh birds. We consider such research one of the highest bird conservation priorities at Blackwater NWR. Until results of the prescribed fire research are known we recommend modifying fire management at Black water to a less intensive regime. Objective 1.4.2; add short-eared owl to the list of raptors to benefit from marsh management. It is a PIF priority species and regularly winters in marshes at Blackwater and surrounding areas. Goal 1, subgoal 3, describes Common Snipe and Spotted Sandpiper as breeding birds at Blackwater. However, neither species breeds at the refuge or anywhere on the refuge complex.

Response: A new objectives section was added to Goal 1 to capture the significance of the brackish marsh bird community and future management strategies, including the need to adaptively manage fire in marsh ecosystems. Changes to 1.4.2 and the noted species of breeding birds have also been made.

Regulated Shooting Areas

A stakeholder group points out that they have done a lot of work with Eastern Neck NWR in the past and cooperated fully with Blackwater staff on nutria management. They have taken unpopular stands on issues like Regulated Shooting Areas because they feel it is important to protect the migratory bird resource from potential sources of disease and potential hunting over live decoys and bait. Much of this RSA activity occurs immediately adjacent to Blackwater Refuge. This organization also does many other things (i.e. wetlands and habitat restoration) that complement the activities of the USFWS at Blackwater and elsewhere.

Response: The Service shares your concern about Regulated Shooting Areas and its potential impact to the Blackwater Refuge. The State reports that there are 21 non-commercial RSAs and one commercial RSA in Dorchester County, and most are located immediately adjacent to the refuge. Since RSAs are under private ownership, their operation is beyond the jurisdiction and authority of the Service. The State of Maryland issues annual permits and is otherwise responsible for the management and enforcement of these areas. We greatly appreciate the support that CWH has given the Refuge in the past, and look forward to enhancing and continuing our working partnership on land protection and habitat restoration into the future.

Invasive species

Some commenters believe that some of the introduced species (exotics) are having a detrimental impact, notably the mute swan and the nutria, both of which we see as highly destructive to refuge habitats. The plain fact is that we cannot build habitat as fast as it can be destroyed if nothing is done about these intrusive species and we hope that a maximum effort will be made in this direction. In addition, the nutria eradication effort and marsh restoration will help maintain a marsh buffer to protect the forest habitat from storms and salt water intrusion. Controlling other invasive species in the future may make a critical difference in the quality of the DFS habitat. The increased fire management efforts will provide timber stand improvements needed to enhance the quality of DFS habitat.

Response: An aggressive control and eradication program is planned for exotic, invasive and injurious species management including the mute swan, gypsy moth, purple loosestrife, phragmites, Johnson grass, Canadian thistle, resident Canada geese, and nutria. We have had success reducing the number of nutria on the refuge, which has had a noticeably positive impact on marshlands on the refuge.